

REMARKS

Entry of this amendment is requested under 37 CFR 1.116 because it places the application in better condition for allowance or appeal without introducing any new issues or requiring further search of the prior art. This response is filed upon removal of the application from appeal, application of new art to pose new grounds of rejection and rendering the outstanding office action final. For reasons provided below applicant believes the amendment to claim 9 places the claims in condition for allowance and the application should be passed to issuance.

Claims 9, 17 and 23-25 are now pending. The new final office action rejects all of the claims under Section 103 over Devine (U.S. 2002/0095399) in view of Nwabueze (U.S. 6,611,839). Applicant respectfully disagrees with the rejection of claim 25 on this basis because the claim requires

“a polling device configurable by users in order to acquire data **cyclically** from the various data sources and to evaluate the data in such a way that upon attainment of a criterion configurable by users a corresponding **message is automatically generated.**” [Emphasis added.]

The rejection cited par [0071] of Devine for disclosing all of this subject matter. To the contrary, the Devine reference does not describe or imply acquiring data cyclically nor automatically generating a message upon attainment of a criterion. The deficiencies in the Devine reference render the rejection of claim 25 incorrect. Claim 9 is amended to incorporate the limitations of claim 25 in order to attain allowance of the application without introduction of any new issues. Entry of this amendment and allowance of the application are requested.

Conclusion

The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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By:

Janet D. Hood

Janet D. Hood
Registration No. 61,142
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830